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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

LOCAL 87, SERVICE EMPLOYEES  
INTERNATIONAL UNION,

Defendant.

No. C 09-2051 WHA

**CONSENT DECREE AND  
~~PROPOSED~~ ORDER**

WHEREAS, Plaintiff, Hilda L. Solis, Secretary of Labor ("the Secretary"), brought this action pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. § 401 *et seq.* ("LMRDA"), seeking a judgment declaring Defendant's May 30, 2008 election of Executive Board members to be null and void, directing Defendant to conduct new nominations and a new election of Executive Board members, and for other appropriate relief;

WHEREAS, the Department of Labor conducted an investigation of the May 30, 2008 election supervised by the SEIU International Union, and found that the election failed to comply with section 401(e) of the LMRDA, 29 U.S.C. § 481(e), in that the eligibility

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1 requirements in Defendant's constitution and bylaws were not uniformly applied with respect to  
2 three nominees for Executive Board positions;

3 WHEREAS, Defendant denies that it violated the LMRDA in conducting the May 30, 2008  
4 election; and further denies that the Secretary has jurisdiction over the May 30, 2008 election;  
5 this Consent Decree and Proposed Order shall not be construed as an admission of liability;

6 WHEREAS, the parties desire to settle this action, and therefore consent to the entry by the  
7 Court of the following provisions as an order in this action.

8 NOW, on the joint application of all parties, it is hereby STIPULATED, CONSENTED TO,  
9 and AGREED that:

10 1. Defendant shall conduct, under the supervision of the Secretary, new nominations, and a  
11 new election for the Executive Board, to be held, insofar as lawful and practicable, in accordance  
12 with Defendant's Constitution and Bylaws and SEIU's Constitution and Bylaws, and completed  
13 no later than October 29, 2010. The parties acknowledge that Defendant's Constitution and  
14 Bylaws require that voting occur on September 23, 2010, and they will meet that requirement  
15 insofar as it is lawful and practicable to do so.

16 2. The supervised election shall be conducted in accordance with Title IV of the LMRDA  
17 (29 U.S.C. § 481 *et seq.*) and, insofar as lawful and practicable, in accordance with Defendant's  
18 Constitution and Bylaws and SEIU's Constitution and Bylaws.

19 3. All decisions as to the interpretation or application of Title IV of the LMRDA, and  
20 Defendant's constitution and bylaws, related to the supervised election of the Executive Board  
21 are to be determined by the Secretary or her representative. Any protests concerning the  
22 supervised election of the Executive Board shall be submitted directly to the Secretary's  
23 representative. All decisions of the Secretary or her representative shall be final, subject to  
24 review by this Court, on petition of a party.

25 4. Jurisdiction of this action shall be retained by the Court pending completion of the  
26 supervised election. After said election, the Secretary shall, pursuant to 29 U.S.C. § 482(c),  
27 certify to the Court the names of the persons so elected, and that such election was conducted in  
28 accordance with Title IV of the Act and, insofar as is lawful and practicable, in accordance with


1 Defendant's constitution and by-laws. Upon approval of such certification, the Court shall enter  
2 Judgment declaring that such persons have been duly elected as officers of Defendant.

3 5. The Executive Board shall continue to serve as officers of Defendant until the newly  
4 elected Executive Board is installed in office in accordance with the requirements of Defendant's  
5 constitution and bylaws.

6 6. Each party shall bear their own costs, expenses and legal fees in connection with this  
7 action.

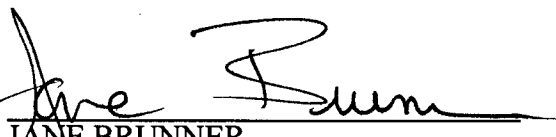
8  
9 DATED: April 8, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

11   
12 STEVEN J. SALTIEL  
13 Assistant United States Attorney

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15 DATED: April 8, 2010

SIEGEL & YEE

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18 JANE BRUNNER  
19 Attorney for Defendant  
Local 87, SEIU

20 IT IS SO ORDERED:

21 DATED: April 12, 2010.

